IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL No. 223 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 31/12/2004 in WP No. 24668 OF 2004 on the file of the High Court.)

Between:

Sri K.Gopal Reddy, S/o.Sanjeevi Reddy,
R/o.H.No.10-3-313/11, P.S.Nagar, Near Masab Tank.
Hyderabad.

..... APPELLANT

AND

1.Smt. H.Subhadra, W/o.Rama Rao,
R/o.9-3-71, Station Road,
Khammam District.(Writ petitioner)
2. The Sub Registrar, Banjara Hills, Hyderabad.
3. The Commissioner & Inspector General of Registration and Stamps, R.T.C. Cross Roads,
Hyderabad (Nos.2&3 writ Respondents)

.....RESPONDENTS

Counsel for the Appellant: Mr. P.VENUGOPAL

Counsel for Respondent No.1: Mr.D.Ramesh

Counsel for Respondent Nos. 2 & 3: GP FOR REVENUE

The Court made the following :

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ORAL JUDGMENT:

(per Honourable Sri Devinder Gupta, the Chief Justice)

The appellant is not a party to the Writ Petition No.24668 of 2004. The said Writ Petition was filed by the first respondent herein against respondents 2 and 3 seeking a direction to declare the action of the respondents in keeping the registered document No. 374/2004 registered before the second respondent herein, as illegal, arbitrary and contrary to the provisions of the Registration Act, 1908, and, consequently to direct the respondents 2 and 3 to return the registered document executed in favour of the first respondent herein. Writ Petition was allowed on 31.12.2004.

The grievance of the appellant is that already, there is a civil suit in O.S.No. 410 of 2004 filed by him pending adjudication in the court of III Additional Chief Judge, City Civil Court, Hyderabad, wherein the appellant is seeking to establish his rights over Plot No.15 in the lay out of the society, in which, there has been interim direction for maintaining status quo. The first respondent is Defendant No.3 in the suit, and, there are two other defendants. The suit had been filed without impleading the Vijaya Cooperative House Building Society Ltd., which of course, will be impleaded after the period of statutory notice expires. There had been number of transactions with respect to Plot No.15 subsequent to its registration in favour of the appellant herein by the Society, which action was challenged by the appellant in various proceedings. Appellant's writ petition was allowed, but on appeal, the same was set aside with liberty reserved to the appellant to take out appropriate proceedings, and, accordingly, the appellant has preferred the civil suit.

The learned counsel for the appellant states that the present appeal has been filed in order to safeguard the interests of the appellant.

It is needless to add that the appellant was not a party to Writ Petition 24668 of 2004 and any order passed in the Writ Petition, to which, petitioner is not a party cannot bind the petitioner, and, it will be open for the appellant, in case, appellant is aggrieved by the said order or feels that his rights are in jeopardy, to question the legality and validity of the said order in the pending suit and seek appropriate relief since the first respondent herein is already a party in the suit as Defendant No.3 and the society will also be impleaded as a party to the suit.

We are not inclined to go into the legality and validity of the order at the behest of the appellant, who is not a party to the writ petition.

With leave and liberty granted to the appellant as above, the Writ Appeal is dismissed. No costs.

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DEVINDER GUPTA, C.J.

8.2.2005.

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M.NARAYANA REDDY, J.

VR.

To

1. The Sub Registrar, Banjara Hills, Hyderabad.
2. The Commissioner & Inspector General of Registration and Stamps, R.T.C.

Cross Roads,
Hyderabad.

3. Two CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT).

4. Two CD copies.